

LATHAM & WATKINS

Phantom Traffic

**The Midsize Carrier Coalition
November 30 – December 1, 2005**

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- Telecommunications Carriers, or anyone who obtains telephone numbers from the Pooling Administrator or NANPA for assignment to customers, should be subject to rules governing proper labeling and routing of traffic
- There should be no exception for VOIP or other IP-based traffic
 - “This subpart applies to all telecommunications traffic between two or more telecommunications carriers, including all telecommunications traffic identified in §§51.701(b)(1) and (2), all exchange access traffic, all information access traffic, and all other telecommunications traffic.”
 - “As used in this subpart, ‘telecommunications carrier’ or ‘carrier’ is any entity that is a telecommunications carrier as defined in §51.5, and any other entity that assigns to customers telephone numbers obtained either directly or indirectly from the North American Numbering Plan Administrator or the Pooling Administrator.”

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- FCC rules should require creation and faithful transmission of complete and accurate information identifying the origin of a call, including the originating carrier and the jurisdiction of the call
 - “It shall be the duty of all telecommunications carriers when exchanging traffic with another telecommunications carrier to ensure that (i) the initial address message in the call signaling includes the JIP and either CPN or CN; and (ii) the EMI records provided to terminating carriers include either the OCN for the originating carrier or, if the traffic is interexchange, the CIC for the interexchange carrier, provided that the originating carrier shall not be required to generate EMI records.”
 - “It shall be the duty of any carrier that is not the originating carrier when transmitting traffic to another carrier to provide the information required [above] without modification or deletion.”

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- Transiting carriers should not be exempt from the obligation to provide complete and accurate information, without modification or deletion, even where MFI trunks are employed.
 - “If any carrier is unable to transmit CPN or JIP because it employs a multi-frequency interworking trunk to transmit telecommunications traffic between networks, it shall be the duty of such carrier to transmit ANI information with such traffic.”

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- All providers should be required to route traffic correctly, consulting the LERG and routing traffic in accordance with the LERG unless the terminating carrier has agreed to alternative routing arrangements
 - “It shall be the duty of all telecommunications carriers before routing traffic to another carrier to consult the Local Exchange Routing Guide (LERG), and to route the traffic to the trunk group designated for such traffic according to its jurisdictional nature, unless the terminating carrier has approved in writing alternate routing arrangements.”

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- The FCC should investigate phantom traffic allegations and respond to informal complaints within 90 days
- The FCC should accept jurisdiction over formal complaints, and enforce uniform national rules to address phantom traffic

CONCLUSION:

All providers should cooperate to ensure complete and accurate records can be obtained by transiting and terminating carriers, who have an obligation to accept such traffic and a right to bill for the services they provide